

WASHINGTON DEPARTMENT OF ECOLOGY

AGRICULTURAL BURNING RULE ADVISORY COMMITTEE MEETING

April 27, 2005 10:00 – 4:00

Washington Department of Transportation, Spokane Office

SUMMARY

In attendance

Cindy Thompson	American Lung Association
Bob Gore	Department of Agriculture
Bill Johnston	WSU- Crop & Soil Sciences
Mike Ingham	Alfalfa Seed Growers
Jay Penner	Wheat Growers
Dave Lauer	Clean Air Authorities (BCAA)
Jeff Schibel	Irrigated Community
Grant Pfeifer	Department of Ecology
Larry Cochran	WA Conservation Districts
Rachael Osborn	Save our Summers

Members Absent

Michael Bush	WSU- Extension
Sally Liu	Public Health
John Cornwall	Grass Growers

Staff

Melissa McEachron	Ecology
Lori Isenberg	facilitator

Action Items

- Committee members will review meeting summary and send additional comments for the final meeting summary to facilitator, Lori Isenberg, if so desired:
loriisenberg@nwdynamics.net
- The meeting agenda, along with pre-meeting materials to review (draft language as assigned), will be sent to committee members no later than May 18. The next Committee meeting is set for Wed, May 25, 10:00 – 4:00, at the Washington Department of Transportation, Spokane Office.
- Ecology will research the possibility of setting up a “*Committee Members Only*” page on the website.
- Ecology will check on the status of the Wood Stove legislation and the Federal regulations particulate matter (PM2.5)

Purpose of the Meeting

- To identify and agree upon key topics which are of interest, affect, or may affect the Agricultural Burning Program for discussion by the committee.
- To identify the questions that need to be answered related to each of these topics, and where that information might be found.
- To establish a timeline and preliminary agendas for the upcoming meetings to provide adequate time to discuss these topics and develop draft language.
- To begin discussion on the topics listed, as time allows.

Opening

Melissa McEachron welcomed the group, gave a brief recap of the purpose of the committee, and introduced the committee facilitator, Lori Isenberg. Lori went over the purpose of the meeting and the agenda.

Discussion of Key Topics

The group reviewed the list of topics which had been sent out with the agenda: the items identified at the March meeting, and the ones submitted by Ecology. They engaged in constructive discussion regarding these topics, as summarized on the charts on the following pages. Lori encouraged the committee members to submit their written comments to her during or after the meeting to be sure they were captured correctly. These comments are included at the end of this meeting summary.

There was lengthy discussion regarding the best process for drafting and editing material:

- Ecology came into the meeting thinking they would like to use this method:
 - Ecology would provide information as requested from the committee regarding each of the key topics.
 - The committee would discuss the topic and give Ecology a sense of direction of what they would like to see in the draft rules.
 - Ecology would prepare a draft and bring it for the committee to review and provide feedback.
- The Committee members indicated they would prefer the following process:
 - Ecology should use their expertise and knowledge to prepare drafts of the changes for the rule for review by the committee as early in the process as possible.
 - Ecology would present the draft rules, which would be the basis for discussion at the meetings. Committee members would review and provide feedback and edits.

Discussion brought forth the following observations:

- Ecology was concerned they might waste a lot of time rewriting major rule pieces, without committee discussion and a sense of direction from the committee.
- The Committee felt it was the responsibility of Ecology to present a draft first, and that this would speed up the process.

Through in-depth discussion, the group came to the compromise that Ecology would prepare draft language on the three definition items from the list (March 2005) that are of most interest to the group: Harrow Dumps, Bale Burns, and Fence Rows. Ecology would also prepare informational presentations for the May 25 meeting on the other three key topics they identified: Metering, Monitoring, and Levels or Standards. Following input from the Committee, Ecology would develop draft language for those three topics for the June meeting.

**GENERAL TOPICS CONSIDERED BY ECOLOGY AS IMPORTANT FOR THIS GROUP
TO DISCUSS AND PROVIDE INPUT FOR RULEMAKING:**

TOPIC	DISCUSSION POINTS (see below for comments submitted)	ACTION SUGGESTED BY COMMITTEE
<p>Portions of the Settlement Agreement (SOS and Ecology) that list items Ecology needs to accomplish in this rulemaking.</p>	<p>It was determined that these two topics will cover the majority of the main issues, so they should be discussed first.</p> <p>The group identified three key areas within both these topics which should form the outline for the discussion:</p> <ol style="list-style-type: none"> 1. Metering 2. Monitoring 3. Levels or Standards 	<p>The agenda for the May meeting will focus on discussion of the three items: metering, monitoring, and standards. Ecology will prepare concise presentations to update the committee based on these questions:</p> <ol style="list-style-type: none"> 1. <u>Metering</u> <ul style="list-style-type: none"> • What is currently being done? • Is it working? • What could be improved?
<p>Portions of the Memorandum of Understanding / Agreement that impact this rule or rulemaking (Growers, Dept of Agriculture, and Ecology)</p>	<p>It was also mentioned that the settlement agreement states that the protection of public health (and sensitive individuals) is the reason the rule is being developed. Public health is and should remain the priority. Making the burn call must be subservient to that goal.</p>	<ol style="list-style-type: none"> 2. <u>Monitoring</u> <ul style="list-style-type: none"> • What is being done now? • How is the information being used? • Where are the gaps? • Is it effective? 3. <u>Air Quality Levels or Standards</u> <ul style="list-style-type: none"> • What do we know? • What have we learned from monitoring? • What have we learned from the Health Study? • Do we want to continue to use “judgment with monitoring network? Is it working?
<p>Picture of agricultural burning 10 years from now.</p>	<p>There was limited discussion on these three items.</p>	<p>The committee members suggested these topics may be addressed during discussion on metering, monitoring, and standards. If not, they will be added to a later agenda.</p>
<p>Technology advances Ecology should look to for use in the Ag. Burning Program (e.g. make burn calls, issue permits, etc)</p>		
<p>Areas impacting agricultural burning that Ecology should</p>		

concentrate effort on in the future. [Studies, education and outreach, burning alternatives etc]		
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AREAS WHERE CHANGES TO THE RULE MIGHT BE USEFUL, AS IDENTIFIED AT THE MARCH COMMITTEE MEETING

TOPIC	DISCUSSION POINTS	ACTION SUGGESTED BY COMMITTEE
<ol style="list-style-type: none"> 1. Define exemptions better: <ol style="list-style-type: none"> a. Spot Burn - define? Include? b. Bale Burns - large broken [i.e. pushed in a huge pile] c. Harrow Dumps - define? d. Orchards e. Vineyards f. Other non-cereal g. Disease Control h. Fence Row; Ditches i. Special circumstances [e.g. Hay] 2. Public notice to Sensitive Individuals 3. Public Education 4. Emergency Permit Issuance Process 5. Calling Burn Days - meteorological procedures; more than what is in current WAC 6. Burning Hours 7. Getting Information to Growers 8. Level Playing Field 9. Clarify fire safety Overlap 10. In Ag. Burning Definition - more on what is "commercial" 11. Trees for pulping - Is this Ag? 12. CRP - Takeout and Renovation 13. Situations - <ol style="list-style-type: none"> a. Orchard tear-out [pruning to wood] b. Bank repossession of Orchard 	<p>The committee identified three topics they wanted to discuss briefly during the meeting time:</p> <ol style="list-style-type: none"> 1. Harrow dumps 2. Bale burns 3. Fence rows <p>Two new items were added to the list:</p> <ul style="list-style-type: none"> • Public notice to Sensitive Individuals • Public Education 	<p>Following discussion it was decided that Ecology will prepare draft language on these three items. The draft language will be sent via email to the committee members one week prior to the meeting for review and editing.</p> <p>The committee briefly discussed some of the other items on this list, but decided to see how well they are covered in the discussions on metering, Monitoring, and Levels or Standards, before setting any specific time to discuss them.</p>

<p>14. Propane Flaming</p> <p>15. Wind Breaks - Pruning? Outdoor Burning?</p> <p>16. Private Irrigation Ditches</p> <p>17. Fees-Ecology raised the issues of fees because fees had not been updated in some time.</p> <p>a. Use a formula instead of the current form?</p> <p>b. Task Force Issues - (most advisory committee members are also members of the Agricultural Burning Practices and Research Task Force)</p> <p>i. Review fee structure at an upcoming Task Force Meeting?</p> <p>ii. BMP sliding discount?</p> <p>18. Delegated Authorities/Delegation - should there be a time limit on refunds?</p> <p>19. Permitting Requirements</p> <p>a. Post Burn Reports</p> <p>b. 1 week turn around for ECY to review and decide on permit questions.</p>		
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Comments Submitted From Committee Members

- Basis for burning
 - Justifications – “most reasonable procedure to follow . . .’
 - Defining Special Circumstances
 - Defining Exemptions
- Public Notice Requirements
 - Notifying public of applications
 - Notifying public of burn Call

- Internet / list serve / Phone calls (voluntary roster of sensitive individuals)
- Complaints
- Notifying farmers / burners
- Gathering information from burners
- Connection to delegated permit entities
- Public Health Protection
 - Establish goals and purpose of new rule
 - Protect Sensitive Individuals
 - Protect Population Centers
 - How to minimize public health impacts
- Metering Program
 - How to codify while retaining flexibility
 - Monitors – full geographic coverage
 - Feedback loop on burn calls
 - Acreage caps , especially to prevent “bunching” of acreage in a locality
- Air Quality Standard
 - PM 2.5 – others?
 - Protective of sensitive individuals
 - Do we need more information on health studies and other information / data that feed into establishing AQ Standard?
- Standards
 - Ecology appears to integrate a number of factors into burn discussion, rather than just a “standard” number.
 - What are these factors?
 - What do they consider?
 - Does Ecology feel their “decision” process is as good as a standard or several standards?
- Consider economic burden of health impacts and costs
- Standards – Just what is an air quality level? Just what is an air quality standard? Quantitative and Qualitative.
- Let’s keep specific people from specific groups out of the discussion; we should stay with program’s main people.
- Metering – consider acreage caps
- Metering – consider provisions to protect sensitive individuals
- Need to review effective dates
- Emission Study / Health Study / Expert Health Panel / DOE Air Quality reports
- What did the expert health panel agree or disagree to?